

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

VIRTAMOVE, CORP.,  <div style="text-align: center;"><i>Plaintiff,</i></div>  v.  HEWLETT PACKARD ENTERPRISE COMPANY,  <div style="text-align: center;"><i>Defendant.</i></div>	§ § § § § § § § § §	CIVIL ACTION NO. 2:24-CV-00093-JRG (LEAD CASE)
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v.  INTERNATIONAL BUSINESS MACHINES CORP.,  <div style="text-align: center;"><i>Defendant.</i></div>	§ § § § § §	CIVIL ACTION NO. 2:24-CV-00094-JRG (MEMBER CASE)
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**ORDER**


Before the Court are two motions titled Defendant Hewlett Packard Enterprise Company’s (“Defendant”) Rule 12(b)(6) Partial Motion to Dismiss (the “Motions to Dismiss”). (Dkt. Nos. 22 and 50.) In the Motions to Dismiss, Defendant seeks the dismissal of Plaintiff Virtamove Corp.’s (“Plaintiff”) Complaint (Dkt. No. 1) and First Amended Complaint (Dkt. No. 40). (*Id.*) Since the filing of the Motions to Dismiss, Plaintiff has filed an Second Amended Complaint (Dkt. No. 63).

It is well established that a later-filed amended complaint moots a motion asking the Court to dismiss an earlier-filed complaint. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App’x 793, 797 (5th Cir. 2017) (“Once filed, that amended complaint rendered all earlier motions ... moot.”); *see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) (“Once Plaintiff filed its amended complaint, the Motion became moot.”); *Ultravision Technologies, LLC v. Eaton Corp. PLC*, No. 2:19-CV-00290-JRG, 2019 WL

11250161, at \*1 (E.D. Tex. Nov. 7, 2019) (“Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.”).

Accordingly, the Court finds that the Motions to Dismiss (Dkt. Nos. 22 and 50) should be and hereby is **DENIED-AS-MOOT**.<sup>1</sup>

**So ORDERED and SIGNED this 19th day of July, 2024.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> For avoidance of doubt, this Order does not affect Defendant’s Rule 12(b)(6) Partial Motion to Dismiss Plaintiff’s Second Amended Complaint. (Dkt. No. 66.)